



**AMENDMENT 2 TO ANNOUNCEMENT LS-7**

**APRIL 2006**

**PURCHASE OF CANNED PINK SALMON  
FOR DISTRIBUTION TO  
FEDERAL FOOD AND NUTRITION PROGRAMS**

This amendment is being issued to (1) supersede Amendment 1 to LS-7, dated September 2004, and amend Announcement LS-7, (2) change delivery/unit size for 14  $\frac{3}{4}$  ounce cans, (3) revise Section III, Acceptance of Offers, (4) reflect changes in multi-stop requirements, (5) add food defense requirements, and (6) replace the Technical Data Supplement (TDS) for the Procurement of Canned Pink Salmon (CPS)-TDS-CPS, dated June 2001, and Amendment 1, dated September 2001 with Item Description and Checklist of Requirements (IDCR), for Canned Pink Salmon, dated April 2006.

Delete all references to TDS-CPS, dated June 2001, and Amendment 1, dated September 1 and replace with "IDCR, dated April 2006."

Delete all references to Commercial Item Description (CID), Salmon, Canned, A-A-20158B, dated July 22, 1993.

Replace all references to 1,672 cases with "1,600 cases."

Replace all references to 35,993 pounds with "35,400 pounds."

Section I.A., General, delete the first and second paragraph in its entirety and replace with the following:

*"The United States Department of Agriculture (USDA) will periodically issue Invitations under this Announcement for offers to sell to USDA canned pink salmon. The canned pink salmon must be produced in accordance with the IDCR, dated April 2006. An offer unit for canned pink salmon must be packed in 24-14 $\frac{3}{4}$  oz. (418 g) cans per shipping container and 1,600 cases per offer unit (35,400 pounds).*

*The Invitations will specify the offer date, product type, the closing time for receipt of bids, the shipping period, the destinations to be filled with any transportation restrictions, and any other provisions applicable to the proposed procurement, which are in addition to or different from those set forth herein (see Exhibit A for an example of an Invitation). Bids solicited under this Announcement and applicable Invitations are for delivery of products to USDA on an f.o.b. destination or f.a.s. vessel basis only."*

Section I.B. General, delete first paragraph.

Section I.B. General, delete last sentence of second paragraph and replace with:

*“Offerors are cautioned that statements made by persons other than the Contracting Officer, written or implied, are not binding on the Government unless confirmed in writing by the Contracting Officer.”*

Section I.C. Offer Price and Evidence of Delivery, insert the following after the third paragraph:

*“All delivery units--truck lot and less-than-truck lot (LTL) quantities--must be secured at all times prior to unloading with tamper proof, tamper resistant, serially numbered, high security seals that meet the ISO 17712 standard. Failure to seal or maintain the delivery unit under seal in accordance with these requirements may subject the shipment to rejection.*

*The contractor must maintain a record of each seal number used for truck lot and LTL delivery units. Additionally, the contractor must ensure that the applicable seal identification number is on each bill of lading, shipment manifest, or other delivery documents for each delivery destination.*

*When LTL delivery units are transported on the same trailer or railcar and destined for multiple recipients, the trailer or railcar must be sealed after each delivery. The seal number must be recorded on the appropriate delivery documents and correspond with the applied seal at the time of arrival at the next destination. It will be the responsibility of the contractor to provide a sufficient number of seals and ensure that the carrier service (truck or rail) secures the trailer or railcar after each delivery destination. Failure to seal the trailer or railcar after each stop may subject the shipment to rejection at the next scheduled stop and rejection of any subsequent deliveries on the trailer or railcar.*

*The ISO 17712 standard can be obtained through the following websites: 1) American National Standards Institute: <http://webstore.ansi.org/ansidocstore/iso.asp?> or 2) International Organization for Standardization: <http://www.iso.org/iso/en/CatalogueListPage.CatalogueList>.”*

Section I.D.3 Responsibility, delete paragraph in its entirety and replace with:

*“A firm submitting an offer under this Announcement must be in compliance with the Federal standards for responsibility contained in Title 48 C.F.R. Subpart 9.1, USDA-1, this Announcement, and Invitations. A determination of responsibility contained in Title 48, C.F.R. subpart 9.1 must be made prior to a firm submitting a technical proposal and sample for evaluation. Facilities used in fulfilling USDA contracts must be operating in accordance with the applicable Food and Drug Administration (FDA) regulations and under NMFS Type I Inspection, which may include Integrated Quality Assurance (IQA) or Hazard Analysis Critical Control Point (HACCP) Quality Management Program (HACCP-QMP). Facilities to be used in fulfilling USDA contracts must be operating in accordance with the applicable Salmon Control Plan (by year).*

*Contractor must be registered under the Central Contractor Registry (CCR) System as prescribed in Title 48 C.F.R., Subpart 4.1104 and will certify in Appendix-1 on file with the Contracting Officer.”*

Section I.D.4. Responsibility of Subcontractors/Suppliers, delete second and third paragraph and replace with:

*“Contractors shall include, and subcontractors must comply with, the domestic products clause in paragraph I.F. of this section for all subcontracts for fish or fish products used in fulfilling any contracts under this Announcement. Prior to their performance on the contract, subcontractors or suppliers of salmon to be used in fulfilling contracts must be approved by the NMFS for compliance with domestic origin and all other applicable requirements.*

*Subcontractors or suppliers of salmon: (1) are ineligible to supply product if they do not have a domestic product program approved by the NMFS, or if they are currently delivering late on USDA contracts or USDA-approved subcontracts and late delivery is not due to causes beyond their control; and (2) **shall be deemed nonresponsible if they are not operating in accordance with the applicable FDA regulations and under NMFS Type I Inspection, which may include IQA or HAACP-QMP** or have been suspended or debarred under the provisions of 48 C.F.R. Subpart 9.4.”*

After Section I.D.5., add Section I.D.6. Food Security Requirements

*The contractor and all subcontractors must have a documented food defense plan that provides for the security of a plant’s production processes, which includes the storage and transportation of pre-production raw materials and other ingredients and post-production finished products. The plan shall address the following areas: 1) food defense plan management; 2) outside and inside security of the production and storage facilities; 3) processing, including all fish sources; 4) controlled access to production and storage areas; 5) storage; 6) water supply; 7) mail handling; 8) personnel security; and 9) transportation, shipping, and receiving (includes the sealing of any transport conveyance for truck lot and less-than-truck lot quantities of finished product).*

*The food defense plans will be subject to periodic review by the AMS, ARC Branch. See FSIS Security Guidelines for Food Processors: <http://www.fsis.usda.gov/OA/topics/SecurityGuide.pdf> Information on the transportation and distribution of meat, poultry, and egg products is located at: <http://www.fsis.usda.gov/oa/topics/transportguide.htm>*

Section I.F. Domestic Products, insert this after the last sentence:

*“Prior to performance of USDA contracts or subcontracts, contractors and subcontractors must obtain approval of its domestic product program from the NMFS.”*

Section II. D. Purchase Units, delete the paragraph in its entirety and replace it with the following:

*“The purchase unit size for 14 ¾-ounce cans of pink salmon to be purchased is 1,600 cases (35,400 pounds). The quantity offered on bids must be in purchase unit increments. An offeror may bid the entire quantity on the Invitation or a greater amount, but not less than one unit*

*(1600 cases). Only one offer price may be quoted to any delivery point listed from each shipping point, including combined destinations as one line item. Offerors may rearrange the destination sequence on these combined delivery units.”*

Section II. E. Section 4. Certifications, delete Item 2 in its entirety and replace with the following:

*“2. By submitting this bid, Offeror certifies it HAS read and DOES agree to the terms of LS-7 and Amendment 2, dated April 2006, Appendix 1; Inv. \_\_\_\_; IDCR, dated April 2006; USDA-1, Rev. 2, and Amds. 1, 2, 3, and 4, and the Federal Acquisition Regulations. (both boxes must be selected).*

☐ HAS

☐ DOES”

Section III. Acceptance of Offers, delete the last three sentences of first paragraph and insert the following:

*“A notice of award will also be issued in the form of a Food Purchase Report (FPR) posted on the Livestock and Seed Program, USDA, AMS Commodity Procurement Home Page (see Notice attached), after 1:00 p.m., **Central time** on the day of acceptance. Information on awards will be available by telephone to offers and interested parties promptly following the posting of the FPR. Inquiries may be made to a USDA-AMS Market News office or the Contracting Officer.”*

Section IV. Provisions of Contract, delete both paragraphs in its entirety and replace with the following:

*“The contract consists of Announcement LS-7 and Amendment 2; the applicable Invitation; IDCR, dated April 2006; contractor’s offer including SF-129 and Appendix 1; the acceptance by USDA; USDA-1, and the Federal Acquisition Regulations 48 CFR Section et seq. The following USDA-1 articles are excluded: Articles 34, 49, 50, 64(c), and all of Part E.*

*If the provisions of contract documents are not consistent, the following priority order will prevail: Invitation, Announcement, IDCR, Appendix-1, Federal Acquisition Regulations, and USDA-1.”*

Section V. Product Specifications and Inspection/Certification Services, delete paragraph in its entirety and replace with the following:

- A. *Canned pink salmon delivered pursuant to this Announcement and the applicable Invitations shall have been packed in the U.S. in accordance with: (1) IDCR, dated April 2006; (2) the Federal Food and Drug Administration Standard of Identity and Fill of Container for Canned Salmon, 21 C.F.R. 161.70; (3) the Good Manufacturing Practice regulations (21 C.F.R. Part 110); and (4) additional requirements as prescribed in the applicable Salmon Control Plan (by year).*
- B. *Specifications for the canned pink salmon will be set forth in the IDCR, dated April 2006. If documents are amended, appropriate amendments must be referenced.*

- C. *Product must be produced under the applicable Salmon Control Plan (by year), FDA regulations and under NMFS Type I Inspection, which may include IQA or HACCP-QMP or Type II Lot Inspection.*
- D. *Questions concerning charges and the availability of NMFS inspectors should be discussed with the Western Regional Inspection Office in Seattle, Washington at (206) 526-4259.*

Section XI. Inquires, delete address for Director, Western Regional Inspection Office, Bell, CA and replace with:

*Chief, Western Regional Inspection Office  
National Seafood Inspection Program  
DOC-NOAA-NMFS  
7600 Sand Point Way NE Bldg 32  
Seattle, WA 98115*

*Telephone: (206) 526-4259*

This amendment will be effective with offers submitted on and after April 24, 2006.

/s/ William T. Sessions (4/21/06)  
William T. Sessions  
Associate Deputy Administrator  
Livestock and Seed Program